UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
PHAN, HUY Q

ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/839,972	BODNAR ET AL.
	Examiner	Art Unit	
	Huy Q. Phan	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09/22/2005.</u>

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>33-36,41-49,54-57 and 59-71</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>33-36,41-49,54-57 and 59-71</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is in response to Amendment filed on date: 09/22/2005.

Claims 33-36, 41-49, 54-57 and 59-71 are still pending.

Claims 1-32, 37-40, 50-53 and 58 are cancelled.

Response to Arguments

2.   Applicant's arguments filed 09/22/2005 have been fully considered but they are

not persuasive.

     a)   In response to Applicant's arguments with regard to amended claim 33,

applicant stated that "Anderson does not teach or suggest associating digital images

with a particular phone device. Nor does Anderson teach or suggest generating a

unique device ID for associating digital images with a particular cellular phone device.

Anderson discusses associating digital images with a particular digital camera, but does

not address the use of the cellular phone device, except as a neutral conduit" (see

remarks page 10); while, Anderson et al. clearly disclose "The gateway server 18, which

communicates with the cameras 14 during image uploading, receives one or more entity

IDs 28 from each camera 14 and matches the entity ID 28 with an entity account 30 in

the database 20. The images are then automatically associated with the photo-sharing

website 22 of the identified entity 12 and/or the identified user" (see col. 4, lines 25-

30)..."a cellphone may be used to provide the digital camera 14 with wireless capability,

where the camera 14 is connected to the cellphone via a cable or some short-range

wireless communication, such as Bluetooth. Alternatively, the camera 14 could be provided with built-in cellphone-like wireless communication" (col. 4, lines 47-54) ... "It should be noted that if the camera is used in conjunction with an IP direct phone or is provided with a phone number for connected to a dedicated server" (see col. 10, lines 47-50).

b) In response to Applicant's arguments with regard to amended claim 54, applicant stated that "Anderson does not teach or suggest the use of a buffer to temporarily store user data prior to determining the user account associated with the unique device ID. Rather, Anderson uses a configuration file containing the entity ID, a password, and an action list, downloaded to the camera. (Anderson, col. 10, lines 15-17 and 38-47) (see remarks page 11); While, Anderson et al. evidently disclose "Another "Connecting . . . " dialog appears, and is then quickly replaced by another dialog, which says "A free, temporary account has been set up for you at www.photo-sharing service.com/new_accounts. You will need your camera serial number to access your photos and complete the setup of your account. Please complete the account setup within 30 days". Jack writes down the URL in the space provided in the Quick Start Guide, and presses the OK button. Jack doesn't know it, but during this dialog, the camera has begun transmitting his images and is already partially complete...One of the buttons Jack does not click is the "Complete Account Setup" button. He knows that he has 30 days to do that chore, and figures he will get back to it later" (see col. 11, line 57-col. 12, line 43).

c) In response to Applicant's arguments with regard to amended claim 61,

applicant stated that "Anderson does not teach or suggest a system for automatic

account generation wherein no additional data is stored on a peripheral device. In

contrast, Anderson discloses that upon setting up a new account, a configuration file

containing the entity ID, a password, and an action list is downloaded to the camera.

(Anderson, col. 10, lines 15-17 and 38-47) (see remarks page 12); while, Anderson et

al. particularly disclose "a method and system for automatically establishing a user

account and for configuring a hand-held electronic device for accessing a site on a

public network using the user account...a user does not have to enter account

information in order to establish the ISP connection or the website account before

accessing the public network with the electronic device" (see col. 2, lines 35-58; for

more details see cols. 3-5).

d) In response to Applicant's arguments with regard to amended claim 63,

applicant stated that "Anderson does not teach or suggest a cellular phone having a

unique device ID. Nor does Anderson teach or suggest determining if there is an

account based on a unique device ID assigned to a cellular phone or creating a user ID

based on a unique device ID" (see remarks page 13); while, Anderson et al. specifically

disclose "The gateway server 18, which communicates with the cameras 14 during

image uploading, receives one or more entity IDs 28 from each camera 14 and matches

the entity ID 28 with an entity account 30 in the database 20. The images are then

automatically associated with the photo-sharing website 22 of the identified entity 12

and/or the identified user" (see col. 4, lines 25-30)..."a cellphone may be used to

provide the digital camera 14 with wireless capability, where the camera 14 is

connected to the cellphone via a cable or some short-range wireless communication,

such as Bluetooth. Alternatively, the camera 14 could be provided with built-in

cellphone-like wireless communication" (col. 4, lines 47-54) ... "It should be noted that if

the camera is used in conjunction with an IP direct phone or is provided with a phone

number for connected to a dedicated server" (see col. 10, lines 47-50).

With all the reasons stated above, the rejection is deemed proper and still

stands.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-36, 41-49, 54-57 and 59-71 are rejected under 35 U.S.C. 102(e) as

being anticipated by Anderson et al. (US-6,636,259).

Regarding claim 33, Anderson et al. disclose a system (fig. 1 and description) facilitating uploading of digital images from a digital camera (14), the system comprising:

a digital camera (fig. 1, digital camera 14) for capturing digital images (col. 3, lines 25-49; also see fig. 3 and its description);

a Web site (fig. 1, website 22) for hosting said digital images captured by the digital camera (col. 3, lines 25-49);

a transport mechanism for uploading the digital images from the digital camera to a user account (fig. 1, user account 40) at the Web site, said user account being pre-provisioned for the digital camera (col. 3, lines 50-col. 4; see fig. 1 and description);

a module (OS 70, see fig. 3 and its description) for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account (col. 3, lines 40-49) and thereafter providing on-line access to the digital images (col. 4, lines 31-45), without requiring a user to manually set up the user account ("automatically"; col. 4, lines 25-30; for more details see fig. 1, and its description) and;

a provisioning information module ("the camera with software", col. 4, lines 9-30, also see fig. 3 and its description) that generates a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49) that is used by an accounting management module (OS 70, see fig. 3 and its description) for associating the digital images with a particular cellular phone device (col. 4, lines 47-67 and col. 10) used by the digital camera to upload digital images (fig. 1 and description).

Regarding claim 34, Anderson et al. disclose the system of claim 33, wherein said digital camera employs a cellular phone for wirelessly uploading the digital images (col. 4, lines 47-67).

Regarding claim 35, Anderson et al. disclose the system of claim 34, wherein said digital camera and said cellular phone are selectively coupled to one another (col. 4, lines 47-67).

Regarding claim 36, Anderson et al. disclose the system of claim 33, wherein a unique device ID associated with the digital camera is used for associating the digital images with the user account ("entity IDs 28 from each camera 14 and matches...the identified user", col. 4, lines 10-30; also see abstract and for more details see figs. 2-4 and their descriptions).

Regarding claim 41, Anderson et al. disclose the system of claim 33, wherein said Web site receives digital images as they are uploaded (fig. 1 and description).

Regarding claim 42, Anderson et al. disclose the system of claim 33, wherein said Web site continues to store digital images that are uploaded for some period of time (col. 11, line 20-col. 12, line 61).

Regarding claim 43, Anderson et al. disclose the system of claim 33, wherein

said Web site provides on-line access to the digital images (col. 4, lines 31-38).

Regarding claim 44, Anderson et al. disclose the system of claim 33, wherein said digital camera includes connectivity to a cellular phone, for uploading digital images (col. 4, lines 47-67).

Regarding claim 45, Anderson et al. disclose the system of claim 33, wherein said digital camera include wireless communication capability (col. 4, lines 47-67).

Regarding claim 46, Anderson et al. disclose the system of claim 33, wherein said transport mechanism comprises a wireless communication network (col. 4, lines 47-67).

Regarding claim 47, Anderson et al. disclose the system of claim 33, further comprising: a database (fig. 1, gateway server 18) at the Web site for maintaining the uploaded digital images along with an associated unique device ID for the images (fig. 1 and description).

Regarding claim 48, Anderson et al. disclose the system of claim 33, further comprising: a module allowing a user to specify a user name and password for the user account that has been pre-provisioned (col. 2, lines 35-58).

Regarding claim 49, Anderson et al. disclose the system of claim 33, wherein online access to the digital images is predicated upon user input of a valid user name and password (col. 11, lines 20-27).

Regarding claim 54, Anderson et al. disclose an apparatus for automating activation of a user account associated with a user-operated device (fig. 1 and its description), the method comprising:

a Web site (fig. 1, website 22) to host user data transferred by the user-operated device (col. 3, lines 25-49);

a transport mechanism to enable uploading of the user data from the user-operated device to a user account (fig. 1, user account 40) at the Web site, the user account being pre-provisioned for the user-operated device (col. 3, lines 50-col. 4; see fig. 1 and description);

a module for automatically associating the user data uploaded to the Web site with the pre-provisioned user account based on a unique device ID (col. 3, lines 40-49), and thereafter providing on-line access to the user data (col. 4, lines 31-45), such that the user need not manually establish the user account at the Web site ("automatically"; col. 4, lines 25-30; for more details see fig. 1, and its description); and

a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID (col. 11, lines 51-67; for more details see cols. 11-13).

Regarding claim 55, Anderson et al. disclose the apparatus of claim 54, wherein the user-operated device is selected from among the following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 56, Anderson et al. disclose the apparatus of claim 54, wherein the user-operated device has a unique device ID (col. 3, lines 40-49) that is used for associating the user-operated device with the user account that has been pre-provisioned for the user data (fig. 1 and its description).

Regarding claim 57, Anderson et al. disclose the apparatus of claim 54, further comprising: a provisioning information module ("the camera with software", col. 4, lines 9-30, also see fig. 3 and its description) to generate a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49) that is used by an accounting management module (OS 70, see fig. 3 and its description) for associating the user-operated device with the user account (fig. 1 and its description).

Regarding claim 59, Anderson et al. disclose the apparatus of claim 54, further comprising: a database (fig. 1, gateway server 18) at the Web site for maintaining the uploaded user data along with an associated unique device ID for the images (fig. 1 and description).

Regarding claim 60, Anderson et al. disclose the apparatus of claim 54, further comprising: a security module to allow a user to specify a user name and password for the user account that has been pre-provisioned (col. 2, lines 35-58).

Regarding claim 61, Anderson et al. disclose the system to enable automatic provisioning of a new user account ("a first time connection", see col. 2, lines 35-54) comprising:

a receiving logic to receive data from a peripheral device having a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49), the data destined for storage on a repository on the system (fig. 1 and its description);

an account management module (OS 70, see fig. 3 and its description) to automatically establish a user account ("create entity-specific cameras 14", col. 3, lines 40-49), including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the user-operated device (fig. 1 and description);

a media gateway (fig. 1, gateway 18) to associate the data with said user ID (col. 4, lines 25-30; also see fig. 1 and its description);

such that an account (fig. 1, user account 40) is automatically created for the owner of the peripheral device (col. 3, lines 50-col. 4; see fig. 1 and description), without requiring the user to first set up a user account (fig. 1 and its description), or requiring any additional information to be stored on the peripheral device (see col. 2, lines 35-58; for more details see cols. 3-5).

Regarding claim 62, Anderson et al. disclose the system of claim 54, further comprising: the media gateway (fig. 1, gateway 18) to query the peripheral device for the unique device ID in response to receiving the data (col. 4, lines 25-30; also see fig. 1 and its description).

Regarding claim 63, Anderson et al. disclose a method (fig. 1 and its description) facilitating uploading of user data from a user-operated device (digital camera 14, see fig. 3 and its description), the method comprising:

receiving a transfer request from a cellular phone having a unique device ID (see cols. 4 and 10), to transfer data to a Web site from the user-operated device (fig. 1 and its description);

determining if there is a user account associated with the unique device ID, and if so, associating the user data with the user account (fig. 1 and its description); and

if there is no user account ("none are found", see col. 2, lines 35-54) associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in pad, on said unique device ID (col. 2, lines 35-50).

Regarding claim 64, Anderson et al. disclose the method of claim 63, wherein the user-operated device is selected from among the following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 65, Anderson et al. disclose the method of claim 63, wherein establishing the user account occurs upon receiving a first transfer request from the user-operated device ("a first time connection", see col. 2, lines 35-54).

Regarding claim 66, Anderson et al. disclose the method of claim 63, wherein establishing the user account occurs prior to first operation of the user-operated device ("none are found", see col. 2, lines 35-54).

Regarding claim 67, Anderson et al. disclose the method of claim 63, wherein said user account is established using provisioning procedure to associate the user account with a unique device ID assigned to at least one of the user-operated device and the cellular phone (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 68, Anderson et al. disclose the method of claim 63, further comprising: determining whether at least one of the user-operated device or the cellular phone is an authorized device prior to storing the images on the Web site (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 69, Anderson et al. disclose the method of claim 63, further comprising: temporarily saving the user data in a buffered storage module until the user

data is determined to be associated with a particular user account (col. 11, lines 56-67;

for more details see cols. 11-13).

Regarding claim 70, Anderson et al. disclose the method of claim 69, wherein

said content temporarily saved in the buffered image storage module is transferred to

an image storage-by-account module in an image repository after the content is

determined to be associated with a particular user account (see cols. 11-13).

Regarding claim 71, Anderson et al. disclose the method of claim 63, further

comprising: having a user account ticket, generated, at least in part, from the device ID

("your camera serial number is 38147" col. 11, lines 51-55), the user account ticket used

for initially establishing the user account (see cols. 11-13).

Conclusion

4.   **THIS ACTION IS MADE FINAL.**

Applicant is reminded of the extension of time policy as set forth in 37
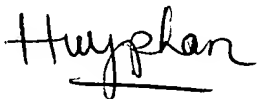
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924.

The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SONNY TRINH
PRIMARY EXAMINER

Examiner: Phan, Huy Q.   AU: 2687   Date: 10/24/2005